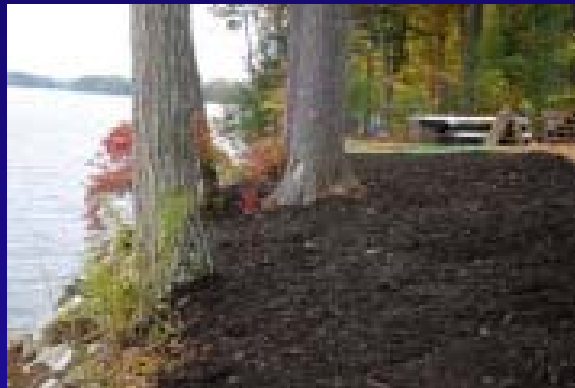


Erosion & Sedimentation Control Law

How are we doing with
Compliance?



Report to the 121st Maine Legislature
by the Maine Department of
Environmental Protection
February 5, 2004

Erosion and Sedimentation Control Law Requires:

A person who conducts an activity involving filling, displacing or exposing earthen materials (except agricultural fields) take measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource.

Erosion and Sedimentation Control Law

- Effective 1997
- Amended in 1998 so that chronic erosion stabilized:
 - in “most at risk” watersheds by July 1, 2005
 - in all other watersheds by July 1, 2010
- Report on existing and projected compliance in 2004

What are Best Management Practices (BMPs)?













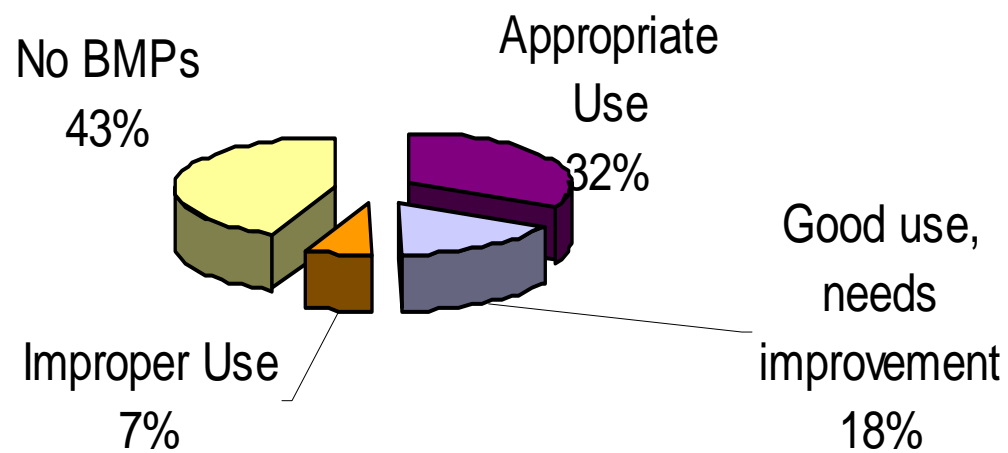
Compliance Survey

- ☛ Designed to gather information on overall compliance to the E&SC Law
- ☛ Performed from May through October 2003
- ☛ Involved DEP staff and SWCD staff
- ☛ One time site visit to construction sites found either through towns or by driving-by

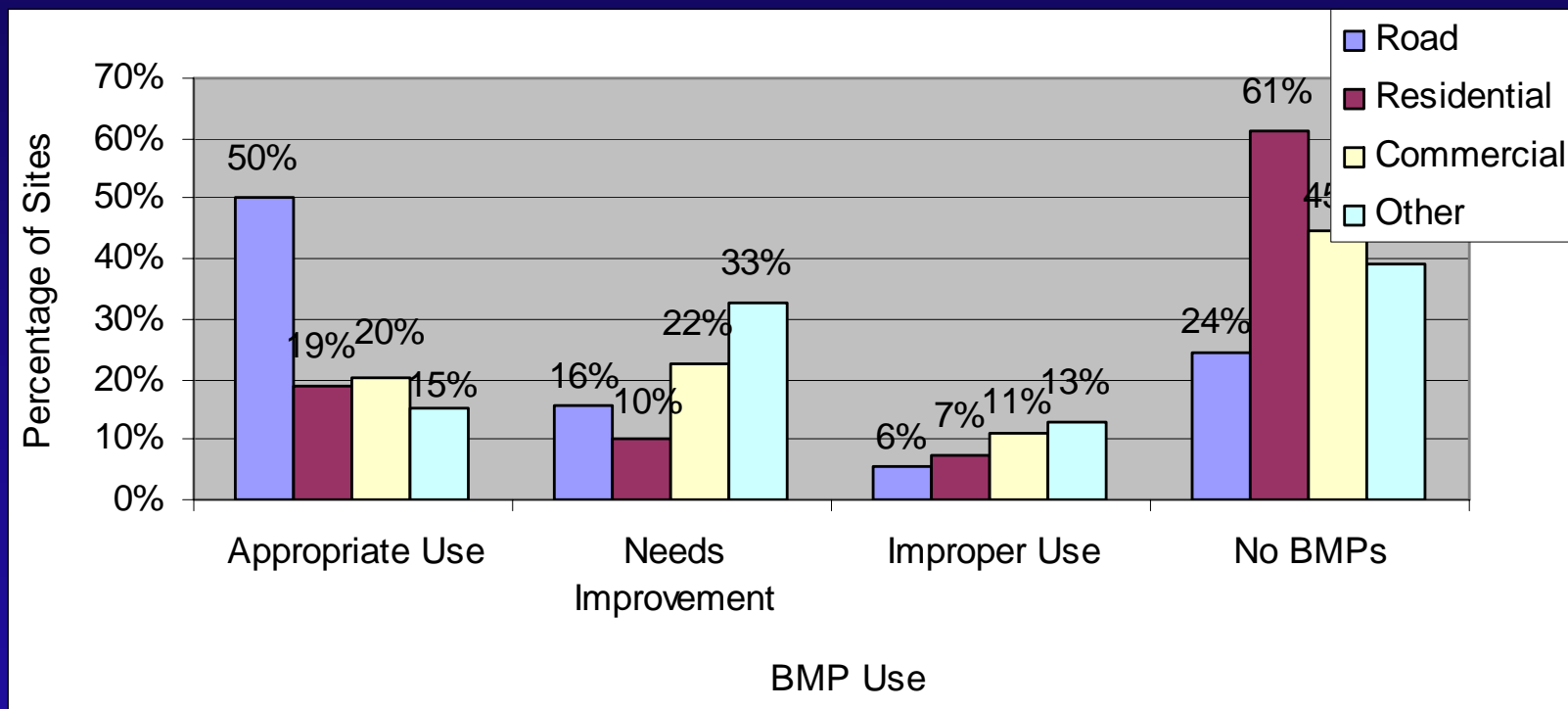
Compliance survey results

- ☛ A total of 810 construction sites were inspected
- ☛ A total of 88 municipalities were visited throughout Maine

BMP Use



Construction Types and Use of BMPs



Compliance survey results

43 % of all sites had no BMPs





Compliance survey results

Road projects were more likely to
have appropriate BMPs (66%)









Compliance survey results

Large sites were more likely to have BMPs in place than small sites (less than 1 acre)





Compliance survey results

Residential sites were least likely to have BMPs (61 %)











Proximity to a natural resource

- ☞ Sites within 75 feet of a natural resource had good BMP use (70%)
- ☞ Sites near a lake resource most always had BMPs
- ☞ Sites draining to a freshwater wetland used BMPs least often (28%)
- ☞ Sites where the resource was unknown had also a low use of BMPs (37%)

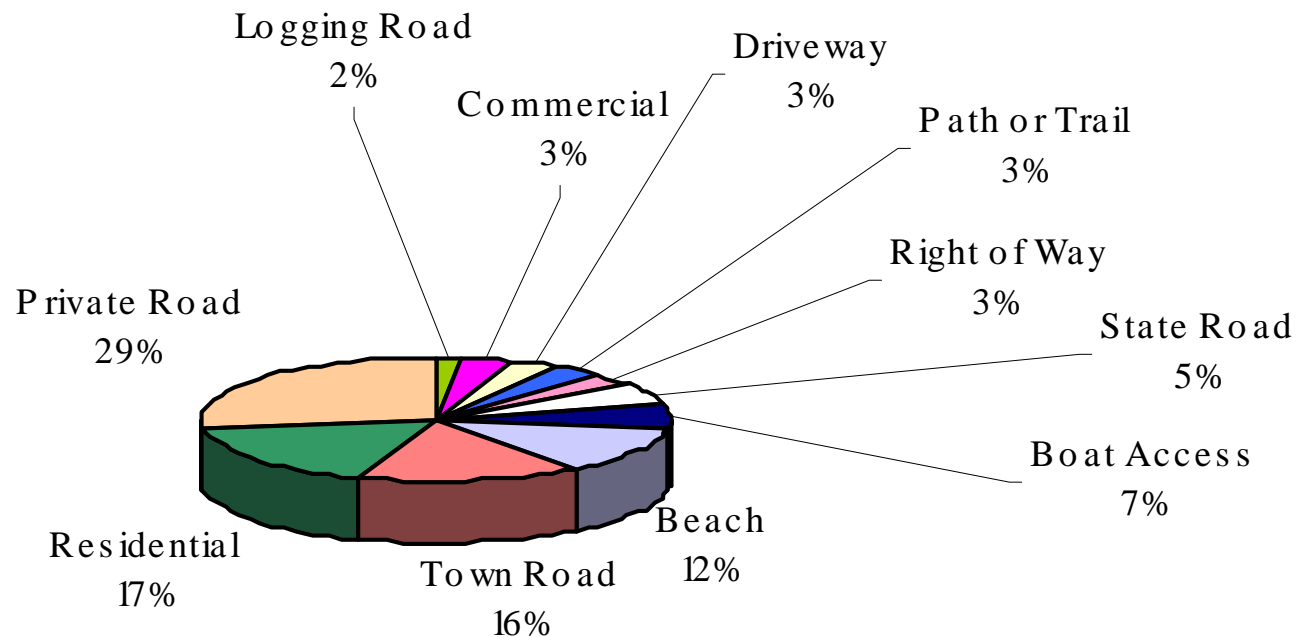






Chronic Erosion and Projecting Future Compliance

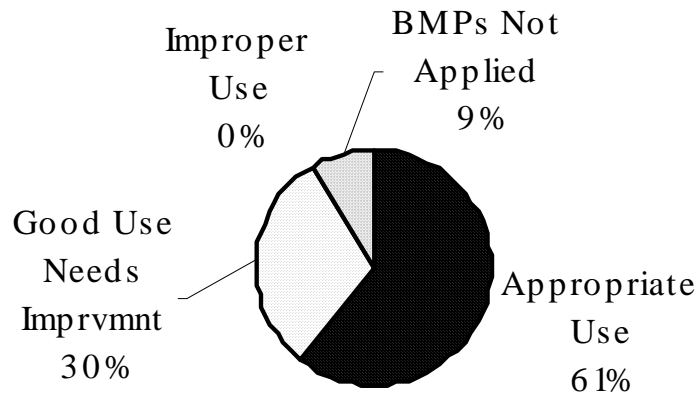
Land Use Breakdown - Chronic Erosion Sites



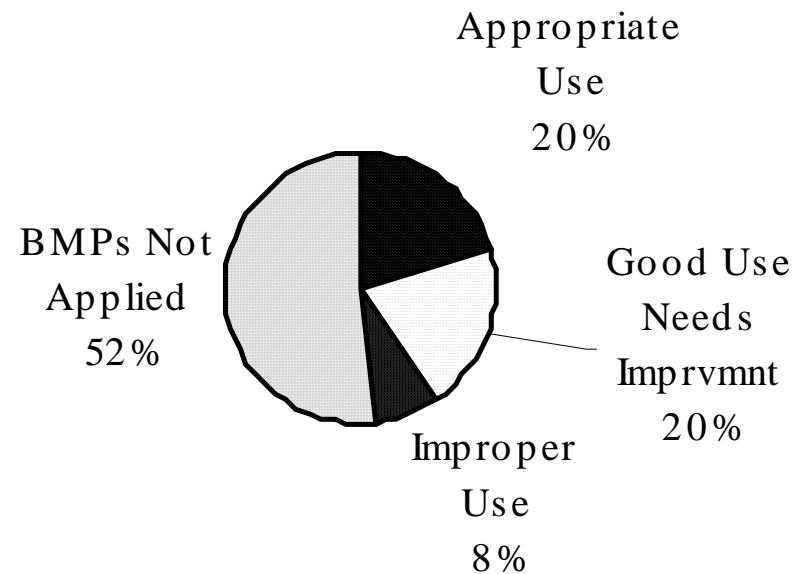


VOLUNTARY CONTRACTORS CERTIFICATION PROGRAM

BMP Use on Construction Sites by Companies or
Agencies Employing Certified Individuals



BMP Use on Construction Sites by Companies or
Agencies not Employing Certified Individuals



An issue for contractors:
The cost of doing erosion
control is a factor in bid
process



Enforcement

- ESC Law enforcement has not been high priority due to limited resources.
- DEP staff responded to 124 complaints in 2003 that had an alleged violation of the E&SC Law.
 - 4 of those were resolved by consent agreement
 - 58 were resolved informally
 - 62 found to not be in violation

Education and Outreach

- ☞ Since 2000, nearly \$200,000 spent on education through Federal Nonpoint Source Grants Program: Soil Awareness Campaign
- ☞ DEP needs to continue or increase this effort by:
 - buying media time as resources allow
 - publishing a brochure for distribution in town offices
 - Enlist support of other organizations: Municipalities, SWCDs, lake associations

Recommendations

- ☞ Improve Public Education
- ☞ Increase the number of Certified Contractors - assess if program should become mandatory
- ☞ More technical assistance to municipal code enforcement officers
- ☞ Continue to track compliance; focus on “most at risk” watersheds